§ 0.51 Leadership and coordination of nondiscrimination laws.

(a) The Assistant Attorney General in charge of the Civil Rights Division shall, except as reserved herein, exercise the authority vested in and perform the functions assigned to the Attorney General by Executive Order 12250 (''Leadership and Coordination of Nondiscrimination Laws''). This delegation does not include the function, vested in the Attorney General by sections 1–101 and 1–102 of the Executive order, of approving agency rules, regulations, and orders of general applicability issued under the Civil Rights Act of 1964 and section 902 of the Education Amendments of 1972. Likewise, this delegation does not include the authority to issue those regulations under section 1–303 of the Executive Order which are required, by § 0.180 of this part, to be issued by the Attorney General.

(b) Under paragraph (a) of this section, the Assistant Attorney General in charge of the Civil Rights Division shall be responsible for coordinating the implementation and enforcement by Executive agencies of the nondiscrimination provisions of the following laws:

(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*).

(2) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*).

(3) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

(4) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

[Order No. 944–81, 46 FR 29704, June 3, 1981]

§ 0.52 Certifications under 18 U.S.C. 3503.

The Assistant Attorney General in charge of the Civil Rights Division and his Deputy Assistant Attorney Generals are each authorized to exercise or perform the functions or duties conferred upon the Attorney General by section 3503 of title 18, U.S. Code, to certify that the legal proceeding, in which a motion to take testimony by deposition is made, is against a person who is believed to have participated in an organized criminal activity, where the subject matter of the case or proceeding in which the motion is sought is within the cognizance of the Civil Rights Division pursuant to § 0.50.

[Order No. 452–71, 36 FR 2601, Feb. 9, 1971]

§ 0.53 Office of Special Counsel for Immigration Related Unfair Employment Practices.

(a) The Office of Special Counsel for Immigration Related Unfair Employment Practices shall be headed by a Special Counsel for Immigration Related Unfair Employment Practices (''Special Counsel''). The Special Counsel shall be appointed by the President for a term of four years, by and with the advice and consent of the Senate, pursuant to section 102 of the Immigration Reform and Control Act of 1986, as amended. The Office of Special Counsel shall be part of the Civil Rights Division of the Department of Justice, and the Special Counsel shall report directly to the Assistant Attorney General, Civil Rights Division.

(b) In carrying out his or her responsibilities under the Immigration Reform and Control Act of 1986, as amended, the Special Counsel is authorized to:

(1) Investigate charges of immigration-related unfair employment practices filed with the Office of Special Counsel and, when appropriate, file complaints with respect to those practices before specially designated administrative law judges within the Office of the Chief Administrative Hearing Officer, U.S. Department of Justice;

(2) Intervene in proceedings involving complaints of immigration-related unfair employment practices that are brought directly before such administrative law judges by parties other than the Special Counsel;

(3) Conduct, on his or her own initiative, investigations of immigration-related unfair employment practices and, where appropriate, file complaints with respect to those practices before such administrative law judges;

(4) Conduct, handle, and supervise litigation in U.S. District Courts for judicial enforcement of orders of administrative law judges regarding immigration-related unfair employment practices;

(5) Initiate, conduct, and oversee activities relating to the dissemination of information to employers, employees, and the general public concerning immigration-related unfair employment practices;

(6) Establish such regional offices as may be necessary;

(7) Perform such other functions as the Assistant Attorney General, Civil Rights Division shall direct; and

(8) Delegate to any of his or her subordinates any of the authority, functions, or duties vested in him or her.

[Order No. 2078–97, 62 FR 23658, May 1, 1997]

APPENDIX TO SUBPART J OF PART 0

CIVIL RIGHTS DIVISION

[MEMO 75–2]

NOTE: Civil Rights Division Memo 75–2, was superseded by Civil Rights Division, Memo 78–1 appearing at 48 FR 3367, Jan. 25, 1983.

[MEMO 78–1]

NOTE: Civil Rights Division Memo 78–1 was superseded by Civil Rights Division Memo 92–3 appearing at 57 FR 19377, May 6, 1992.

[MEMO 79–1]

DELEGATION OF AUTHORITY FOR ADMINISTRATION OF SECTION 5 OF THE VOTING RIGHTS ACT

1. The authority of the Attorney General regarding administration of section 5 of the Voting Rights Act of 1965, as amended, (42 U.S.C. 1973c) has been delegated to the Assistant Attorney General in charge of the Civil Rights Division.

2. That authority is delegated to the Chief of the Voting Section, provided that any determination to object to a change affecting voting (see 28 CFR part 51) or to withdraw such an objection shall be made by the Assistant Attorney General.

3. The Chief of the Voting Section may authorize the Deputy Chief or the Director of the section 5 unit to act on his or her behalf.

[44 FR 53080, Sept. 12, 1979]

[MEMO 92–93]

DELEGATION OF AUTHORITY TO DENY FREEDOM OF INFORMATION ACT AND PRIVACY ACT REQUESTS

1. The Chief of the Freedom of Information/Privacy Acts Branch will assume the duties and responsibilities previously assigned to the Assistant Attorney General by 28 CFR 16.4 (b) and (c) and 28 CFR 16.42(b), as amended July 1, 1991, and defined in those sections, for denying requests and obtaining extensions of time under the Freedom of Information Act, 5 U.S.C. 552 *et seq.*, and the Privacy Act, 5 U.S.C. 552a *et seq.*

2. The Chief of the Freedom of Information/Privacy Acts Branch who signs a denial or partial denial of a request for records made under the Freedom of Information Act or the Privacy Act shall be the ''person responsible for the denial'' within the meaning of 5 U.S.C. 552(a)(6)(C) and shall be responsible for denials made in accordance with 5 U.S.C. 552a (j) and (k).

3. This authority is limited to those records which are in the systems of records under the custody and control of the Civil Rights Division of the United States Department of Justice. The authority delegated herein may be redelegated by the Assistant Attorney General by internal memorandum.

[57 FR 19377, May 6, 1992]

Subpart K—Criminal Division

§ 0.55 General functions.

The following functions are assigned to and shall be conducted, handled, or supervised by, the Assistant Attorney General, Criminal Division:

(a) Prosecutions for Federal crimes not otherwise specifically assigned.

(b) Cases involving criminal frauds against the United States except cases assigned to the Antitrust Division by § 0.40(a) involving conspiracy to defraud the Federal Government by violation of the antitrust laws, and tax fraud cases assigned to the Tax Division by subpart N of this part.

(c) All criminal and civil litigation under the Controlled Substances Act, 84 Stat. 1242, and the Controlled Substances Import and Export Act, 84 Stat. 1285 (titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970).

(d) Civil or criminal forfeiture or civil penalty actions (including petitions for remission or mitigation of forfeitures and civil penalties, offers in compromise, and related proceedings)